



INDIA

FREEDOM OF RELIGION OR BELIEF

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SUMMARY OF CONCERNS

The scars of the 2008 massacre continue to plague the Christians in Odisha (formerly Orissa) State as they endeavour to eke out an existence. With no visible will from the state or central government to bring the perpetrators to justice, the Christians continue to live in a climate of insecurity and with the fear of further attacks. Many were forced to leave their homes with little resources to start afresh, and have received little financial aid from the state.

The lack of will by state institutions to deter future communal violence means that the plight of religious minorities in Odisha and the rest of India is disconcerting.

Urgent action must be taken to confront past crimes and bring the perpetrators of the Kandhamal District, Odisha State, communal violence to justice. Inasmuch as these issues are ignored, impunity and a divisive communal mentality will continue.

BACKGROUND

On 24 August 2008, communal violence occurred in the district of Kandhamal in the state of Odisha, in eastern India, and an estimated 100 lives were lost.¹ The trigger for the violence was the killing on the previous day of Swami Laxmanananda Saraswati, a prominent figure in a Hindu fundamentalist organisation. Police evidence from the crime scene and local news coverage pointed to Maoist involvement. Even though the Maoist leadership admitted to the killing, Christians were accused of the crime. Seven Christians were subsequently accused of the murder despite the lack of evidence against them.²

Kandhamal has been a laboratory for hate propaganda since the 1980s, and Christians were also accused of forcibly converting Hindus. However, information collected by the National Commission for Minorities (NCM) showed no evidence that the increase in conversions to Christianity in Kandhamal was a result of duress or inducement. Nevertheless, these rumours persisted and eventually led to the Kandhamal violence.³

Concerns over communal violence, particularly in Kandhamal, were raised as early as 2003. Angana Chatterji, a Professor of Social and Cultural Anthropology at the California Institute of Integral Studies, had warned that communal violence in Kandhamal was a disaster waiting to happen.⁴ The local and central government had therefore had almost four years to abate the tensions which were festering in this district. The build up to the decisive day is attributed to state complicity and an outright failure to discharge their constitutional mandate to protect the religious minorities of Kandhamal.⁵

The most unsettling fact about the Kandhamal violence is that it was premeditated, targeted and systematic. It was an onslaught on religious minorities, aimed at disrupting their lives and eradicating their religious identity, culture and heritage. Similar communal violence took

3 *Kandhamal: The Law Must Change its Course*, Saumya Uma, 2010, p.53 <http://www.ngo-marg.org/wp-content/uploads/2011/01/Kandhamal-Book-Final.pdf>

4 Chatterji, Angana, 'Orissa: A Gujarat in the making', 2003 <http://www.sabrang.com/cc/archive/2003/oct03/sreport2.html>

5 *Kandhamal: The Law Must Change its Course*, Saumya Uma, 2010, p.53 <http://www.ngo-marg.org/wp-content/uploads/2011/01/Kandhamal-Book-Final.pdf>

1 National People's Tribunal of Kandhamal, *Waiting for Justice: A Report*, 2011, p.9

2 Counter Currents, 'Kandhamal After 6 Years: Waiting For Justice And Peace!', 29 August 2014 <http://www.countercurrents.org/aksingh290814.htm>



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place in Gujarat in 2002 with the slaughter of Muslim minorities,⁶ and in Muzaffarnagar in 2013.⁷

The People's Tribunal on Kandhamal, established in 2010, reported that a total of 600 villages were pillaged, 54,000 people were displaced, 5,600 homes were destroyed by arson, 2,000 people were forcibly converted, and more than 10,000 children had their studies disrupted. The victims were mainly minority groups, from Scheduled Castes and Scheduled Tribes.⁸

The attacks are attributed⁹ to the Rashtriya Swayamsevak Sangh (RSS), a right wing Hindu organisation which wants to see India become a Hindu state. It was founded on the establishment of 'Hindu rashtra', a concept of Hindu imperialism and 'race purification' to the exclusion of other religions; and is the ideological arm of the current ruling party in India – the Bharatiya Janata Party (BJP). The vicious campaign against Christians led by the RSS representative, Swami Laxmananda Saraswati, has resulted in a rising number of attacks against the Christian community over the years.

The National People's Tribunal on Kandhamal has further documented that despite numerous attempts made by civil society to report fringe episodes of violence against the Christian minorities, little action was taken by the state or central government to curb the problem and avert further attacks.¹⁰

POLITICAL SCENARIO

Since the BJP government came to power, there have been over 600 incidents of violence against religious minorities across India. The newly installed Prime Minister, Narendra Modi, took office plagued with events of the past linking him to the Gujarat riots of 2002 when over 2,000 Muslims died, and the impunity that was given to him by a Special Investigation Team. Modi's party, the BJP, is also widely known to be closely linked to the RSS (see above). In this regard, some analysts see Modi's win as a pathway for the RSS to amend the constitution to accomplish its goals. It is therefore difficult not to associate Modi with the sentiments of the RSS head noting, "Whether somebody likes it or not, Hindutva [the ideology of Hindu nationalism] is the only way to bring about a change in the country. It is where the country's respect lies."¹¹

6 Christian Solidarity Worldwide, 'All India Christian Council and CSW call for resignation of Gujarat chief minister over failure to control riots', 26 April 2002 <http://dynamic.csw.org.uk/article.asp?t=news&id=194>

7 Christian Solidarity Worldwide, 'India: CSW strongly supports calls for Communal Violence Legislation as Muzaffarnagar report released', 19 September 2013 <http://dynamic.csw.org.uk/article.asp?t=news&id=1872>

8 National People's Tribunal of Kandhamal, *Waiting for Justice: A Report*, 2011, p.9

9 *Kandhamal: The Law Must Change its Course*, Saumya Uma, 2010, p.53 <http://www.ngo-marg.org/wp-content/uploads/2011/01/Kandhamal-Book-Final.pdf>

10 National People's Tribunal of Kandhamal, *Waiting for Justice: A Report*, 2011, p.134

11 Counter Currents, 'Indian Christians Under A Narendra Modi Led Government', 21 May 2014 <http://www.countercurrents.org/poonawalla210514.htm>

While Modi promises a bright future to 1.27 billion Indians, the question remains as to whether he will have the will to address human rights issues, particularly the rights of religious minorities. Concerns over this issue have been raised by the All India Christian Council, who stated, "Early pronouncements by Modi associates in the party and the Sangh have provided little reassurance that security and freedom for Christians and other minorities would be high on the list of priorities for the new administration."¹²

LEGISLATION

India has acceded to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention on the Elimination of Racial Discrimination (ICERD). Although the country has a strong constitution and body of legislation providing for the right to freedom of religion or belief (FoRB), banning discrimination based on religion and protecting the rights of religious minorities, there are some exceptions which continue to seriously undermine FoRB in the country. Two proposed solutions could help to rectify this situation:

- The establishment of an equal opportunities commission;
- The adoption of the Prevention of Communal and Targeted Violence Bill.

KEY CONCERNS

Despite the guarantee in the Indian constitution to respect every citizen's right to freely profess, practise and propagate their religion, the historical narratives in Odisha tell another story.

A 2014 visit to Odisha by Christian Solidarity Worldwide to meet victim-survivors of the violence revealed that six years on there has still been no justice for these people, and the perpetrators continue to roam the streets freely. The seven accused Christians are still serving life imprisonment.

The international community needs to continue advocating for justice for the victim-survivors of Kandhamal, and stand with human rights defenders in India to remind the Indian government of the outstanding demand for justice in Odisha, the need to protect religious minorities from communal violence, and that the government must demonstrate that it is willing to uphold minority rights under international laws.

12 Christian Solidarity Worldwide, 'India: CSW urges incoming government to adopt measures to promote freedom of religion or belief', 23 May 2014 <http://dynamic.csw.org.uk/article.asp?t=press&id=1705>

RECOMMENDATIONS

To India:

- To continue to work towards the introduction of a comprehensive framework to deal adequately with the contingencies of communal and targeted violence;
- To actively pursue reform of the Indian Police Service, in particular by introducing legislation to reduce political interference, establishing mechanisms to increase accountability, providing training on key human rights areas and significantly improving working conditions;
- To address the significant lacunae in the delivery of justice and compensation to victims of communal violence in Kandhamal District, Odisha State by examining the legal and judicial process, including:
 - Ensuring that First Information Reports (FIRs) are effectively investigated and prosecuted, particularly those which have been ignored;
 - Including sexual and gender-based violence in FIRs;
 - Proactively preventing programmes planned by Hindutva forces within the state, especially those which are divisive and which incite violence against religious minorities;
 - Providing protection to victims and witnesses before, during and after the trial process.

To the United States, the EU and member states:

- To raise concerns about the widespread hate campaign by state and non-state actors;
- To insist that justice is done for victim-survivors of the communal and targeted violence in Kandhamal.

To the United Nations:

- To insist that India ratifies treaties to which it has acceded, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). India should also fully implement the ratified International Convention on the Elimination of Racial Discrimination.

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CSW is a Christian organisation working for religious freedom through advocacy and human rights, in the pursuit of justice.

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